

DEPARTMENT OF TELECOMMUNICATIONS
COMMONWEALTH OF MASSACHUSETTS

Investigation by the Department on its own)
Motion as to the Propriety of the Rates and) D.T.E. 98-57
Charges Set Forth in M.D.T.E. Nos. 14 and 17) (Phase III)
_____)

REPLY BRIEF OF VITTS NETWORKS, INC. ON
PROPOSED TARIFF CHANGES FOR LINE SHARING

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In accordance with the order of the Presiding Hearing Officer issued August 7, 2000, Vitts Networks, Inc. ("Vitts") submits this separate, supplemental reply brief on the proposed tariff changes specific to line sharing on ADSL capable loops proposed by Verizon - Massachusetts ("Verizon-MA") on May 5 and June 14, 2000. (1) In reply to the brief filed by Verizon-MA, Vitts makes the following brief comments:

First, Verizon-MA provides no factual basis for its contention it must maintain the same six (6) day provisioning interval for line shared loops as for stand-alone x-DSL loops. Vitts does not dispute that the FCC in its Line Sharing Order indicated that the period for provisioning stand-alone x-DSL line shared loops provides a baseline for provisioning line-shared loops. (2) However, the FCC was clearly addressing the issue in the abstract and did not even suggest that a shorter interval was inappropriate where it could readily be achieved.

On the pertinent issue - whether a shorter interval is readily achievable - Verizon-MA is unpersuasive. Verizon-MA does not dispute that line shared loops are already connected to serve an existing voice customer, thus eliminating some of the steps necessary to provision a stand-alone loop. Instead, it speculates that provisioning a line shared loop "can be even more complicated" than provisioning a stand-alone loop due to the need to maintain voice service. Verizon-MA Br. at 9 (emphasis added). Verizon-MA further speculates that while that "appears" that fewer dispatches are required for line sharing, "the percentage of these [line sharing orders] requiring dispatch is not known until further experience is gained." Id. Verizon-MA's claim that "force-to-load" considerations justify a six-day interval simply begs the question. Force-to-load is merely a constant multiplier or time mark-up that is would be equal for line shared loop and stand-alone loops. If provisioning a line shared loop involves fewer steps and less total time - and the evidence submitted by Rhythms and Covad show that it does - the "force-to-load" multiplier inexorably yields a proportionately shorter interval. Finally, Verizon-MA's claim that the CLECs have shown no need for a shorter interval is irrelevant. Provisioning work is to provisioning intervals just as UNE costs are to UNE prices. The CLECs need not demonstrate the obvious: that, where justified, shorter intervals, like lower prices, are better.

Second, Verizon-MA's claims regarding the 76-days necessary to augment an existing collocation arrangement to add cabling and splitter capacity is no more persuasive. Verizon-MA's claim that the necessary physical work is not the principal determinant of the appropriate interval proves too much. Id. at 15. As a matter of common sense, the necessary physical work must have some proportional impact on intervals, or else all intervals would be the same - due to the need for "surveying," "planning," "ordering," and "coordinating" (Verizon-MA Br. at 14) - irrespective of the amount of required physical work.

Third, Verizon-MA should be held to a date certain in rolling out its improved OSS offerings for line sharing. The fact that other states have established deadlines should in no way determine the entitlement of CLECs and their customers in Massachusetts to an acceptable level of service.

Fourth, Vitts agrees with RLI and Covad that, as part of the its resolution of this proceeding, the Department should take steps to ensure that data CLECs have access to the high bandwidth frequency part of the fiber-feeder portion of DLC loops. Verizon-MA does not contend that such access is not technically feasible. Verizon-MA should be required to provide on a non-discriminatory basis, the same access to the high frequency segment of the fiber feeder portion of the loop as it provides to itself or its data affiliate.

CONCLUSION

For the forgoing reasons, the Vitts Networks, Inc. respectfully requests that the

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Department require that Verizon-MA amend its proposed line sharing tariff to establish reasonable provisioning intervals, non-discriminatory access to the high frequency portion of fiber fed loops, and just and reasonable, forward looking rates.

Respectfully submitted

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1.

1 To the extent there are issues regarding the rates, terms and conditions proposed by Verizon-MA for stand-alone x-DSL capable loops that apply also to line sharing, Vtts incorporates herein by reference the corresponding arguments made in the separate reply brief filed by the CLEC Alliance (of which Vtts is a member).

2.

2 Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, Third Report and Order, 14 FCC Rcd. 20912, ¶ 107 (1999) ("Line Sharing Order").